

## MEETING #14 – April 12

At a Regular Meeting of the Madison County Board of Supervisors on April 12, 2016 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman  
Jonathon Weakley, Vice-Chairman  
Robert Campbell, Member  
Kevin McGhee, Member  
Charlotte Hoffman, Member  
Daniel J. Campbell, County Administrator  
V. R. Shackelford, III, County Attorney  
Mary Jane Costello, Interim Finance Director  
Jacqueline S. Frye, Deputy Clerk

### Agenda Items:

#### Call to Order

#### *Pledge of Allegiance & Moment of Silence*

#### 1. Determine Presence of a Quorum/Adopt Agenda:

Chairman Jackson noted that all members are present; a quorum was established.

Chairman Jackson called for any additions to today's Agenda:

Suggested amendments to the Agenda included:

- Add Item 3a: *Commissioner of the Revenue [Update on Airbnb]*
- Add Item 3b: *Commonwealth Attorney [Overview of supplemental appropriation request (Victim/Witness Grant)]*
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Supervisor Campbell moved the Board approve today's Agenda as amended, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

#### 2. Public Comment:

Chairman Jackson opened the floor for public comment.

The following citizens provided public comment:

- a. Roger Scott: Advised of his intent to start a poultry facility (in Radiant) to raise turkeys; invested about \$1,200,000 for property (Locust Grove Church Road) and has now been advised he is in violation of erosion/sedimentation guidelines and must cease all efforts of the project; currently has scheduled barns to be erected later this week; questioned why the project is not being categorized as 'agriculturally exempt'.

#### Comments from the Board:

- Supervisor Campbell: Verbalized concerns regarding bureaucracy, regulations, and folks being told 'they can't do something'; the desired use is categorized as being an 'agricultural use; feels the process (being implemented by non-elected officials) is entirely wrong; feels that citizens should be advised of rules/regulations from the start of a project. In his opinion, 'somebody isn't doing their job and it's time for them to go'.
- Supervisor Weakley: Advised of this as being the first time hearing of today's concerns; suggested additional background be provided.

The County Administrator advised that a recent email was received from a citizen (near Mr. Scott's property) that advised of poultry buildings being put into place; the concern was referred to the Building Department for reference and information. In closing, it's assumed that contact was made today with Mr. Scott to follow up on today's concern; also noted that the Building Department had no knowledge that a project was underway (on Locust Grove Church Road).

Matt Aylor, E&S Technician, was present and advised that the State's land disturbance activity guidelines don't exempt farm structure buildings; also noted that DEQ has been contacted and have concurred with the aforementioned guideline.

#### Additional Board Comments:

- Chairman Jackson: Referred to a barn that was rebuilt (by Hunter Weaver), but didn't disturb much acreage.
- Supervisor Weakley: Noted that the County can't 'trump' State Code guidelines; also questioned if there is anything the County can to assist; also noted that zoning, building and E&S personnel are only applying guidelines that currently exist.

The County Attorney noted that he had no knowledge of today's concerns, and asked Mr. Scott if the agreement with the contractor indicated that it was his (the contractor's) responsibility to attain the appropriate permits, to which Mr. Scott advised that 'it was not.'

- Chairman Jackson questioned whether the Board would like to add today's concern to the next meeting agenda after some research has been done on the matter.

Mr. Kent Higginbotham provided input on the process utilized in Orange County concerning land disturbance permits and agricultural business; suggested that a 'no stop order' be granted, as Mr. Scott is now in an unattainable situation and should've been advised of the guidelines when application was made for a land disturbance permit.

- Supervisor Campbell: Feels that, in his opinion, a citizen disfavoring the project has complained and has more authority (to stop something) than the County; feels the individual is being forced to stop a project after following the required rules.

Chairman Jackson: Feels that any problems (with the project) should've been conveyed to the applicant from the start of the project; also noted the violation isn't with the County code, but a State Code guideline, which supersedes County code; questioned if a 'no stop order' is an option the County can initiate.

The County Attorney noted that he will research today's concerns and advise.

Wes Smith, Building Official, was present and advised that today's concern was just brought before him this afternoon.

Brian Daniel, Commissioner of the Revenue (former E&S Technician), was present and explained that the applicant had indicated it was his intent to have a pasture for cattle and a poultry farm. An exemption was issued for the pasture portion of the property to be clear under the exemption for 'pasture for cattle only; however, it was also noted that anything related to 'construction' would not be exempt. It was further advised that the applicant was advised to work on getting a land disturbance plan together in order to attain a permit. In closing, it was noted that an initial plan was submitted, but that additional information was needed (by DEQ) and that the applicant was to resubmit the completed plan to DEQ.

Mr. Scott advised that he did not resubmit a plan, and also noted there was some misunderstanding when discussing engineering plans (with the engineer) for the property, as it was advised that the project would be exempt. He further noted that it would take an additional thirty (30) days to get an engineer on site, and to assess sediment traps, etc., and cost an additional \$3,000.00. From his perspective, as long as a building was for an agriculture market, it should be agriculturally exempt.

- Supervisor Weakley: Noted that the County has administrative staff available to address citizen concerns and provide feedback to the Board; feels that a short period of time is necessary in order to assess input from legal council on today's matter. Noted that future business is always welcome in the County; suggested the process (for starting a business here) be assessed in order to entertain feedback for future issues; advised that perhaps a discussion with the County's delegates be initiated to resolve concerns (i.e. state code vs. local ordinances); also noted that the County is over eighty percent (80%) agriculture and stressed the fact that the County wishes to continue in this vein; suggested the applicant pass along contact information to the County Administrator.
- Chairman Jackson: Suggested the applicant discuss today's concerns with the project engineers (i.e. agriculture exempt vs. State code), as with Brian Daniel, Matt Aylor and Wes Smith; advised that the County is more than willing to be receptive to anyone wishing to initiate new business in the County.

**b. Clifton Mabry:** Advised of concern that there is no posted speed limit on Tinsley Drive; travelers are constantly speeding; requested that a traffic study be done to remedy the concern before a fatality occurs.

#### **Comments from the Board:**

- Supervisor Weakley: Suggested that contact information be provided to VDOT representatives that are present tonight.
- Chairman Jackson: Noted that after talking to Mr. Nesbit and Mr. Banks, it was advised that the Board can request a speed study; feels that some signage could potentially be provided.

Erik Weaver, Sheriff, was present and urged Mr. Mabry to provide his address; advised that law enforcement will provide some visibility in the areas as a means of encouraging travelers to decrease speed along the roadway involved.

Additional concerns from the Board focused on

- ✓ *What the speed is on any roads with non-posted signage; and*
- ✓ *If a speed study process could amend the proposed speed limit*

Mr. Nesbit noted that a written request from the Board (or County Administrator) must be submitted to VDOT in order to perform a speed study.

### 3. Constitutional Officers:

a. Commissioner of the Revenue: Brian Daniel, Commissioner, was present to provide input on the taxation process for Airbnb and Home Away rental properties in the County. Currently, the State Code has no regulations that specifically classify the aforementioned types of properties that allow to be exempt (from taxation) or taxed at a lower rate. Although there have been discussions (in Richmond) during the past session of the General Assembly to develop some guidelines, until an actual classification is established, the locality can only place these types of properties in a 'business' classification only.

#### Comments from the Board:

- Chairman Jackson: Questioned how the County's regulations compare those guidelines utilized in Richmond.
- Supervisor McGhee: Questioned the County's obligation and whether there is any flexibility and whether there is any flexibility concerning business property tax associated with these types of properties.
- Supervisor Weakley: Referred to comments made (during recent Town Hall Meeting) that focused on citizens being required to report all items in these types of properties; also questioned whether the definition changes for a farm rental vs. a conventional rental.
- Supervisor Campbell: Noted that in his opinion, the process has been arbitrary in the past; feels the enactment of the request (by the former Administrator) and that nothing was decided by the Board in the past to move forward in the direction as being discussed; feels the process was established by a 'non-elected official' as to what would be done. Also noted that he was required to make an inventory list of everything housed within his personal cabin; feels it costs him more to furnish more (inside his cabin).
- Supervisor Hoffman: Noted that a citizen did express concerns as to why full-time landlords weren't required to pay the tax, but she noted that full-time landlords don't own the fixtures inside their premises (i.e. furniture, utensils, etc.); noted that her family has several rental properties and that they own nothing housed within the structures.

Mr. Daniel advised that:

- ✓ Today's concerns have been discussed with other Commissioners
- ✓ Some localities do have a waiver in place
- ✓ There is no type of uniformity/verbiage to prevent a locality from placing these types of properties in a 'business' classification
- ✓ Any business personal property can be reported on Form 762 (to be returned to the Commissioner's Office by May 1<sup>st</sup> annually)
- ✓ Items are assessed at fair market value
- ✓ Most owners (who list with Airbnb) place a 'lump sum' on all items (deemed to a fair/reasonable assessment)
- ✓ Request covers any 'tangible item used in the course of a business.

The County Administration questioned whether patrons have to itemize everything, to which Mr. Daniel suggested the items being used in the course of business should be listed in a 'descriptive method.'

Mr. Daniel advised that:

- ✓ If someone provides a fully furnished home rent, they will be taxed for all the furnishings inside
- ✓ There is no classification for Airbnb or Home Away rentals
- ✓ Both aforementioned rentals are classified the same as a B&B and/or hotel.

At the conclusion of the discussion, Chairman Jackson questioned whether the Board would like to request the County Administrator assess how other localities are handling this issue, or whether to ask the Planning Commission to assess the matter.

Supervisor Campbell suggested that from this point forth, the Board should investigate all details before enacting any type of ordinance and ensure that any process involved is clearly outlined for all parties that may be involved or affected.

The County Attorney noted that today's concern isn't a matter for the Planning Commission, and that the process should start with the Commissioner's Office, as the Commissioner is elected and charged with enforcement of the state tax. He further stated that the basic structure of the transient occupancy tax is based on the requirement that personal property is taxable unless it's categorized as being exempt, and that the General Assembly focused on two (2) particular statutes.

The County Attorney also clarified that:

- ✓ The County's ordinance tracks the state statute
- ✓ The County isn't doing anything that isn't within the enabling statute (of State statute);

And that:

- ✓ The problem lies with the fact that item noted with Airbnb aren't clearly defined in the State statute (as recognized by Airbnb owners)

- Supervisor Campbell: Referred to the fact that the County held a public hearing on this issue in the past; feels that this matter wasn't fully clarified then and that the process is still being handled incorrectly.
- Supervisor Hoffman: Noted that if the County initiates changes and 'favors' new businesses, this will cause concerns; County may be bombarded with requests.

After discussion, it was the consensus of the Board to charge the County Administrator with researching Airbnb guidelines and provide feedback.

The County Administrator noted that further discussions will be held with the Commission in an effort to attain additional information on today's concern.

➤ **b. Commonwealth Attorney[Overview of supplemental appropriation request (Victim/Witness Grant)]:** Clarissa Berry, Commonwealth Attorney, was present to provide insight on the Victim-Witness position that's grant funded through the DCJF; specifics of the grant were provided for review and information. Reference was also made regarding discussions held during the budgetary proceedings, and the desire to improve office space utilized for the Victim-Witness Program.

Mary Jane Costello, Interim Finance Director, was present and advised that grant funding (through DCJF) will increase by fifteen percent (15%), and is expected to increase more within the coming years.

Supervisor McGhee questioned if there were any 'strings attached' regarding how the funding can be spent.

Ms. Berry noted that the grant does have conditions, but one of the conditions indicates that the funding can be spent for personnel costs.

The County Administrator referred to an additional supplemental appropriation in the amount of \$81.18 (Commonwealth Attorney)

#### **4. County Departments:**

**a. Social Services – Valerie Ward [Local Supplemental Funding Request of \$30,000]:** Valerie Ward, Director, was present and Clarified that the supplemental request being presented today is for CSA and not for DSS. Tiffany Geer, CSA Coordinator, was also present.

Ms. Ward explained specifics of CSA's budget and necessary funding projections that will be necessary in order for the department to complete the budget year; approved budget for 2015-2016 totaled \$2,500,000.00 with a local share of \$938,094.00. There has been an extreme increase in caseloads (i.e. sixteen [16] new children entering foster care since the first of 2016; increase in services for students diagnosed with Autism and the need for special placements); projections indicate that CSA will potentially spend a total of \$2,995,226.68. Today's request will call for an increase of \$39,759.65 to draw down the necessary state funds.

#### **Comments from the Board:**

Supervisor Weakley: Questioned whether the amount of local funding (in today's spreadsheet) totaling \$42,733.17 is based on a forecast vs. the funding being requested (in the amount of \$39,759.65).

Supervisor Campbell: Questioned the actual amount of funding being requested (i.e. \$30,000.00 vs. \$39,759.65); and if the amount being requested will carry CSA through the end of June 2016.

Ms. Ward advised that numbers (County vs. DSS) were noted as start-up funds; reference was made regarding a differential between budgeted funding (for the past three (3) years vs. the local match, and that the appropriation provided to DSS is actually different than what the State system indicated as being required from the locality. She also noted that the funding amount changed (from \$30,000.00 to \$39,759.65) based on the information available to her at this moment, and anticipates this will be sufficient unless the CSA program receives an influx of foster care requests.

The County Administrator urged the Board to approve today's supplemental appropriation, as client services are needed. It was also clarified that there is sufficient funding (in contingency) to cover the aforementioned request.

Supervisor Campbell moved the Board approve the supplemental funding appropriation for CSA in the amount of \$39,759.65 to get the CSA program through the end of the 2016 fiscal year. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

The Board acknowledged the presence of Madison County School Board members, Mrs. Karen Allen and Mr. Robert Chappell.

#### **5. Independent Committees/Organizations:**

**a. VDOT: Mark Nesbit & Greg Banks [Six Year Road Plan for Madison County]:** Mark Nesbit and Greg Banks were both present at today's session to provide highlights of the Six Year Road Improvement Plan for Madison County. Mr. Banks also noted that VDOT will return on May 24<sup>th</sup> to hold a public hearing to consider adoption of the plan for Madison County. Specifics from the plan focused on:

- ✓ CTB Formula (unpaved state allocations can only be spent on any unpaved road with a minimum traffic count of 50 vehicles per day)
- ✓ Formula state allocations and Telefee allocations are not restricted to traffic count and can be spent on both paved and unpaved roads
- ✓ Madison County has over 309 miles of secondary roads in the state system, with nearly 218 miles paved
- ✓ Madison County has nearly 92 miles of non-hard surfaced roads and of this; approximately 41 miles qualify for hard surfacing; 4.18 miles of unpaved roads are currently included in the secondary six year plan
- ✓ All projects included in the secondary six year plan must be fully funded by January 1, 2018

The county's plan consists of five (5) projects:

- Twyman's Mill Road: This project has been in plan for a number of years; VDOT has cleared the trees; contractor is now on board – project should be underway shortly.
- Shifflett's Corner Lane: It has been advised that this project should be substantially complete by the end of the week (i.e. ditches have been pulled; stone has been added; entrance pipes have been replaced and mainline pipes will also be replaced); one all aspects of the project are complete, the road will sit (for about two months to address any soft spots), and may be hard surfaced in the near future.

*\*Both aforementioned projects should be complete by the end of the construction season.*

- Booton's Lane (Rural Rustic Road)
- Fletcher Road (Route 675)
- Forrest Drive (Route 671)

It's anticipated that the above projects can be fully funded within the life of the secondary six plan. It was also suggested that if the County decides to add additional roads to the plan, consideration will be made to see what existing projects can be removed in order to refrain from having projects in the plan that will not be fully funded by the January 1, 2018 deadline. A draft secondary plan will be prepared for the Board's review at the public hearing scheduled for May 24<sup>th</sup>.

#### **Comments from the Board:**

- Supervisor Campbell: Questioned if Twyman's Mill has been contracted out.
- Supervisor McGhee: Referred to work done on Shifflett's Corner Lane (rural rustic).
- Supervisor Weakley: Advised of concerns on Fairgrounds Road (connector portion North from Mountaineer Lane back to Route 29N) and width of shoulders (from high school to the school board office; questioned if these concerns could be covered by maintenance funding to correct safety issues.

Mr. Banks noted that:

- ✓ Bids have been received for the Twyman's Mill Road project
- ✓ VDOT had a separate contractor remove trees along the section that will be rebuilt
- ✓ Final bidding received was within engineers estimated pricing for the project
- ✓ Rural rustic projects have received great reviews and appear to be more preferred

Mr. Banks further advised that if VDOT utilized basic road widening mechanisms, additional costs will be involved for surveys, standard design plans, clear zones, waivers and engineering solutions; rural rustic project guidelines allow for storm water management exemptions and only cost a fraction of what is required for traditional widening projects. In the event requested improvements are the result of maintenance issues, VDOT will assess the area in question. The only construction funds in the plan cover non-gravel roads (i.e. Telefee funding); there is an "HB2" process that the County could apply for that is based on issues concerning safety-economic development, and questioned if this is something the County might be interested in doing.

Additional Board comments:

- Supervisor McGhee: Questioned why the portion of road (Fairgrounds Road) wasn't a part of Route 231, which he feels would qualify for a different set of funding.
- Supervisor Campbell: Referred to past discussions from the Rt. 29 Corridor Study that considered positioning a flyover or traffic circle at Fairgrounds Road; feels it would be a misuse of funding if this type of project were to be considered at this time.

Mr. Banks noted that if the roadway was a part of Route 231, it would be considered as a primary road and would then be a part of HB2 program instead of the secondary road plan; he also noted that the amount of funding noted in the secondary year plan are mainly for rural rustic projects.

#### **Speed Study**

The County Administrator also advised of comments submitted by a citizen regarding the intersection at the Locust Dale Post Office, and suggested the area have a posted speed limit instead of an advisory limit, and that there be some enforcement of the designated limit.

Mr. Nesbit noted that VDOT rarely lowers the speed limit at an intersection (from the legal limit), and advised that should the Board submit a request, VDOT will research crash history and study the area of concern.

### **Comments from the Board**

- Supervisor Campbell: Verbalized concerns that enforcement may be a concern and noted that the County also needs to have law enforcement personnel in place to provide enforcement.
- Supervisor Weakley: Questioned if rumble strips could be utilized.

Mr. Nesbit noted that all efforts initiated by VDOT are based on crash history and geometry of the location; in the event that flashing warning lights aren't effective and the crash history shows an increase in accidents, VDOT will assess other possible alternatives (i.e. rumble strips).

- Supervisor McGhee: Questioned what method a speed study utilizes in order to decrease speed limits.

Mr. Nesbit advised that in the case where a dead end road doesn't allow enough length for a driver to attain 55mph, then a lower speed limit can't be posted; however, VDOT generally places a traffic tube in an area of concern in order to attain speed limits in the area within a twenty-four (24) hour period; the data is then studied by utilizing a national standard percentile (85%) in order to determine the speed that most drivers feel is safe for the area, which will generally be used. Areas with an un-posted speed limit are usually given a 55 mph speed limit. In most cases, VDOT generally doesn't lower speed limits unless there is a strong crash history for the site of concern.

Erik Weaver, Sheriff, questioned signage that has been posted to advise that Route 231 will be closed for a period of time; he questioned if VDOT will be forwarding information to law enforcement.

Mr. Nesbit noted that the notice will be submitted to all law enforcement; however, he will research this concern.

### **Comments from the Board Pertaining to Speed Study Requests:**

- Supervisor Campbell: Feels the best approach at the present would be to allow local law enforcement to patrol the area; verbalized disapproval of spending taxpayers' dollars to have a 'feel good study' done; questioned whether a study will resolve the matter and feels this will be a waste of money.
- Supervisor McGhee: Concurred with aforementioned concerns, but also feels if law enforcement can provide additional resources, some feedback can be provided in order for the Board to assess whether a study would be sufficient.
- Supervisor Weakley: Questioned how a resident could pursue having speed signage put into place if a limit isn't posted, and whether a study is necessary in order to have signage in place.

Mr. Nesbit noted that if a speed signage isn't posted, VDOT will have to initiate an engineering study in order to determine an appropriate speed limit to place on the area in question; however, if the area involves a subdivision, the limit would be 25 mph.

- Chairman Jackson: Noted that the current speed limit on Tinsley Drive is 55 mph; feel that placing signage may have an opposite effect; feels the presence of law enforcement may cause some folks to slow down. Once recommendations are provided from the Sheriff, VDOT may be asked to perform a study.

The County Administrator noted that it was reported that crash history plays a huge role in speed limit consideration; he asked if there was a VDOT clearinghouse that would provide insight into the number of crashes in a particular section, as this would help assess whether the County should request a fully study.

Mr. Nesbit noted that VDOT's website does contain data on crashes (i.e. link for 'Virginia Roads'), although he was uncertain how up-to-date the site is.

- Supervisor McGhee: Referred to an email from Mr. Frank Roshau concerning the crossroads location (Rt. 15) at Locust Dale that contained comments that trees and brush have grown on the northbound area; he questioned whether trimming of the bushes would be accomplished by VDOT headquarters, or if the County should report the need for work to be done.

Mr. Nesbit noted that VDOT headquarters does monitor the roadways and also utilize contracts for certain work; primary contractors are general used to assist with roadway trimming; some spot work can be accomplished through the use of equipment located at VDOT headquarters. In closing, he advised the County to contact him regarding any concerns and he would review the area in question.

After discussion, it was the consensus of the Board to ask Mr. Nesbit to review the area of concern (submitted by email from Mr. Frank Roshau).

Mr. Nesbit requested to be provided a copy of the email from Mr. Roshau and a response would be provided.

- Supervisor Weakley: Suggested the County Administrator follow up with Mr. Mabry (Tinsley Drive) to advise of the Board's decision regarding Tinsley Drive.

**b. MESA:** Jennifer McLeod, Executive Director: Ms. McLeod advised that a correction should be noted in the letter submitted:

- ✓ #1 Third paragraph says "remolding" instead of remodeling
- ✓ Last paragraph: Dollar amount should be \$3,150.00 instead of \$2,500.00

**Comments from the Board:**

- Supervisor Campbell: Advised of reservations about the County continuing to waive fees; feels the Board should establish a limit on how much will be donated to charities; feels that every time something is 'waived' (in his opinion), the County is 'giving away taxpayer's money; referred to the national park service project (new parking lot) and the fact that fees aren't being waived or the project; also referred to recent funding allocation for CSA; noted that the County assisted MESA in attaining the 'school' in the past (Early Learning Center), provided overflow parking (for volunteers and staff) at the Old ABC Building, and paid to erect a fence at the building to allow for additional space; feels the County has to realize the reality of the need to 'draw some lines.'
- Supervisor McGhee: Noted that MESA does great work; referred to the recent funding allocation to CSA which is mandated; advised that the County allocates to MESA to allow for things to be done that cost less than the recent funding allocation to MESA; advised he'd be inclined to waive the fees, but also questioned if the fees are for inspections.

Ms. McLeod noted that MESA isn't contesting the fees; noted that some renovations are necessary (to the building) in order to abide by building code requirements (i.e. ADA) and to also alleviate parking issues that MESA now experiences at the existing site; one of the requested waivers is for special use permit fees (for the upstairs apartment), as the original fee is attached to ownership of the building; the existing renters will remain and the rent will not increase. In closing, she noted that:

- ✓ MESA feeds 350 local families each month (on average)
- ✓ MESA's Barbara's House provides housing for up to five (5) family a year rent free
- ✓ MESA works with residents at Barbara's House to find suitable living quarters within the County
- ✓ MESA works with residents to access services (through FAPT) to eliminate long-term use of the system
- Supervisor Campbell: Noted that although the building will be used for another business, and the upstairs renter will remain, it appears charges are being required to 're-invent the wheel'; feels that each time the Board is required to make a decision, (in his opinion) the citizens feel that taxpayer dollars are being 'given away'; also feels if the fees weren't required (by the County), then MESA wouldn't be present today to request a waiver.
- Supervisor Weakley: Concurred with previous comments (from Supervisor McGhee); noted that statistics show the local families being served are in need (i.e. unemployment, child services, etc.); feels there will be concerns that waivers are only being approved for some; noted that the County previously discussed waiving fees on a 'case by case' basis (i.e. schools, rescue squad, non-profits); questioned if there is still a need for the fence to be in place at the Old ABC Building.

Ms. McLeod noted that MESA never asked for a fence to be put into place and that volunteers/patrons were parking in the lot when the building was vacant; MESA's lot does have an overflow on occasion; there was no discussion with from (from the Blue Ridge Task Force) about the placement of a fence. In closing, she noted concerns about the County absorbing the cost for the placement of a fence (at the Old ABC Building).

It was further clarified that a request to make adjustments at the Old ABC Building was brought forth by Sheriff's investigators on behalf of the Blue Ridge Task Force.

- Chairman Jackson: Advised that the County tried to accommodate needs based on complaints about the parking situation at the Old ABC building; feels that approval of today's request will establish a 'dangerous precedence'; waivers for the school system and emergency services results in the 'County paying itself'; advised that MESA is a private entity and is concerned that the MESA's plan is contingent upon a fee waiver of \$3,1500.00; noted that there are building code requirements and associated fees in any locality; the County did approve a subsidy for the Early Learning Center during its first year; appreciated the service MESA provided to the County, but isn't in favor of approving today's fee waiver request.
- Supervisor Hoffman: Concurred with concerns verbalized (by Chairman Jackson); feels that MESA is a wonderful organization and does a tremendous job for the County, but advised there are other organizations that do an outstanding job as well; if the Board exempts fees for MESA, she feels the County will be faced with this same type of request from all other organizations.

Supervisor McGhee moved that the Board approve a fee waiver (totaling \$3,150.00) for MESA to move into the new facility, seconded by Supervisor Weakley.

**Discussion:**

Supervisor Weakley: Noted that he was in favor of waiving the fees, but questioned whether there was any type of process (for fee waiver requests) to be brought before the Planning Commission.

The County Attorney noted that the County has the ability to 'establish or waive' any type of fees.

*Ayes: McGhee, Weakley. Nays: Jackson, Hoffman, Campbell.*

The Board acknowledged the presence of School Board members, Mrs. Karen Allen and Mr. Robert Chappell.

**6. Committee Reports:** None.

**7. Finance:**

**a. Claims for April 2016– FY2016**

Mary Jane Costello, Interim Finance Director, referred to supplemental requests that may not be added to the Agenda.

**Vendor Payments Register:**

- a. \$ 161,803.53 (April 8'2016)
- b. \$ 7,720.81 (April 11'2016)
- \$169,524.64 (Total)**

Mary Jane Costello, Interim Finance Director, was present and noted that out of the above referenced total, there were three (3) large payments that equaled forty-five percent (45%) of the total disbursements:

\$11,817.00 (Advanced Network Systems, Inc.)

\$35,000.00 (Waste Management Services, Inc.)

\$29,000.00 (Debt Service [for law enforcement vehicles & facilities vehicle financed in November 2013])

Concerns were verbalized on the following claims:

- ✓ Interworld Highway, LLC (Sheriff's Department grant [for thermal imager])

Supervisor McGhee moved the Board approve claims totaling \$169,524.64 (\$161,803.53 [4'8'16] & \$7,720.81 [4'11'16]) for April 2016, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**Supplemental Appropriations:**

**#1 Refunds: \$350.00**

Ms. Costello provided an overview of a delinquent tax case where the taxpayer paid the legal fees to the Treasurer's Office instead of to the Attorney; there is no funding in the line item to cover the cost associated with this matter.

Supervisor Campbell moved the Board approve the supplemental appropriation request totaling \$350.00 as presented, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**#2 Auditor: \$6,780.00**

*Ms. Costello provided a brief overview of specific accounting services the County is required to utilize during the year; funding was omitted from the FY2016 budget to cover costs associated with having an actuarial evaluation of post-employment benefits; costs associated with the service have placed the department line item to be over-budget, and there will be additional costs required for that particular department before the end of the year; the allocation will need to be attained from the contingency fund.*

**\*Contingency balance was \$265,000.00 - \$39,760.00 (CSA) - \$6,780.00 = \$218,228.00 remaining\***

Supervisor Campbell moved the Board approve the supplemental request totaling \$6,780.00 as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**#3 Victim Witness: \$3,242.00**

*Supervisor McGhee moved the Board approve the supplemental request totaling \$3,242.00 as presented, seconded by Supervisor Hoffman.*

*Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**8. Minutes:**

**a. #10 through #13**

Chairman Jackson noted that amendments were provided from Supervisor McGhee via email.

Supervisor Campbell moved that Minutes #10 through #13 be approved as amended, seconded by Supervisor Weakley.

- Supervisor Weakley questioned whether the verbatim comment (from Ms. Adams of the State Library of Virginia) was included.

After it was confirmed that the above referenced comment was included in Minutes #10, Supervisor Campbell reverted back to his original motion as stated, seconded by Supervisor Hoffman. *Ayes: Lackey, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*



## 9. Old Business:

**a. Skyline CAP Vacancy (Update):** The County Administrator noted there have been no applicants of interest for the vacancy. After discussion, it was the consensus of the Board to continue placing the above referenced item in "Old Business."

**b. Interview Session for GCC Board Applicants (April 26<sup>th</sup> at 5:30 p.m.):** Chairman Jackson noted that interviews will be held for the GCC Board applicants on April 26<sup>th</sup> at 5:30 p.m.

**c. Amendment to County Administrator's Contract:** Chairman Jackson noted that an amendment has been prepared to the County Administrator's contract.

Supervisor Campbell moved the Board approve the amendment to the County Administrator's contract as presented, seconded by Supervisor Hoffman.

- Chairman Jackson: Clarified that the contract amendment was drafted by the County Attorney and pertains to the County covering seventy-five percent (75%) of healthcare costs (as committed and agreed upon by the previous Board).
- Supervisor Weakley: Suggested the agreement include an initiation date, to which it was clarified would be July 1, 2016.

Supervisor Campbell amended his motion to include a beginning date of July 1, 2016, seconded by Supervisor Hoffman.

*Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

## 10. New Business:

**a. Discussion of Server Upgrade & Related Equipment – Robert Finks:** Robert Finks, Director of Emergency Communication, was present to provide input on quote to upgrade the County's server and email; the server currently has seventy-five (75) licensed email accounts; because of FOIA requests, former employee email accounts have to remain in place. The Commonwealth Attorney has requested that all Sheriff's deputies have email accounts, which will call for the County's number of accounts to increase. Current licensure will not accommodate the requested increase and will call for an upgrade to the existing server and the initiation of a more professional type of licensure that would allow the County to have additional emails by unlimited licensure. The current server was installed in 2011 (almost at its end of life); County has generally tried to replace the server every seven (7) years; current firewall is also at 'end of life'; quote provided includes pricing for:

- The replacement of main server
- County email accounts to be increased to 150 (unlimited amount will requirement licensure payments)
- The creation of a new host server
- The creation of a new exchange server
- Replacement of the two (2) outdated switches [with three (3) new ones]
- The installation of a new firewall with three (3) years of service

Total cost: \$54,481.00

### Comments from the Board:

- Chairman Jackson: Questioned whether omitting emails for deputies would extend the life of the server; feels the County should be researching other options as opposed to replacing server (which is extremely expensive); County doesn't have full-time IT staff in place; spoke with Sam Utz (Madison County Schools) regarding Google.docs which may be a viable option; suggested the Board invite Mr. Utz to attend a future meeting to provide input on the matter; also questioned if some of the old emails could be stored elsewhere so as to free up some space on the existing server.
- Supervisor Weakley: Referred to the funding budgeted for IT; concurred with suggestions provided by Chairman Jackson; noted that once information is attained, the County can perhaps look at ways to save old emails and utilize budgeted funding to assess the future direction of the County's needs.
- Supervisor McGhee: Concurred with aforementioned suggestions; feels that attaining additional insight will be beneficial.

Mr. Finks noted that the server may be able to provide an additional two (2) years of service; feels the system is more secure than Google.docs. In closing, he noted that servers usually have a lifespan of about seven (7) years, and that these machines operate twenty-four hours (24) every day, and also provides the County's telephone system. He also noted that Charles Moncreif, CEM Computers, Inc., has recently freed up some space by backing up dormant emails (to a drive) and making them accessible. He also noted that the County attained pricing for new phones when the school system replaced their phone system.

- Supervisor Weakley: Noted that the schools and County are in the same locality; feels a cooperative effort may be viable.

Mr. Finks noted that the prior quote for a new phone system (performed by the former County Administrator) per a bit inflated due to additional items being added (by the former County Administrator that pertained to fiber-optic lines).

After discussion, it was suggested that Mr. Finks, the Sheriff, and other key staff and personnel be invited to attend the meeting when Mr. Utz presents information to the Board.

**b. DEQ Inspection Reports:** The County Administrator provided copies of the latest inspection reports for the solid waste Landfill; reports are all positive with no deficiency noted; DEQ has reported that positive work is being done at the facility; mitigation techniques to monitor gas methane are in place; recent reading was still a bit high – monitoring will continue. Also noted that Roger Berry, Facilities Director, is doing an exceptional job at the landfill. The County's key responsible personnel include:

- ✓ Roger Berry (Facilities Director)
- ✓ R. Clay Jackson (Chairman)
- ✓ Dan Campbell (County Administrator)

It was also noted that the mitigation plan to manage gas methane is in place; recent monitoring results were still a bit high – regular monitoring will continue; efforts will be made with Waste Management, Inc., to correct issues with blowing debris; debris has also been pushed from wood waste area.

**c. All Hazard Mitigation Plan:** Robert Finks, Director of Emergency Communications, referred to correspondence received from the Rappahannock Rapidan Regional Commission that pertained to the disaster mitigation act; requirements call for local/state governments to establish/adopt a hazard mitigation plan in order to be eligible for federal assistance through the hazard mitigation grant program and pre-disaster mitigation program administered by FEMA. A brief synopsis was provided regarding the coordination and collaboration of the program (by the RRRC in 2005) that involves five (5) Counties and five (5) Towns located within the Region (i.e. Culpeper, Madison, Rappahannock, Orange and Fauquier); the plan must be updated every five (5) years [was last updated in 2012]; current plan expires in 2017. The RRRC has sent the County a 'letter of intent' that will need to be signed in the event the County desires to remain within the plan; a grant will be sought (by the RRRC) that is a seventy-five/twenty-five (75/25) with the twenty-five (25) being 'in kind' services and no cash. Deadline to submit a signed 'letter of intent' is April 20, 2016.

The County Administrator noted that the regional plan will yield good results; suggested that Robert Finks be the POC for the County throughout the entire process.

#### **Comments from the Board:**

- Supervisor McGhee noted that the Town moved forward with the same action at their last meeting.

Supervisor Campbell moved the County submit a 'letter of intent' to the RRRC an 'opt in' to the All Hazards Mitigation Plan, as requested, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

#### **d. Consideration of Proclamation – National Day of Giving 2016 [Resolution #2016-3]**

Supervisor Weakley noted that this objective is one that the County has adopted during the past few years.

Supervisor Weakley moved the Board approve Resolution #2016-3 [Give Local Piedmont Day – May 3, 2016] as presented, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

#### **11. Closed Session (if necessary): None.**

#### **12. Public Comment:**

Chairman Jackson opened the floor for public comment.

The following citizen(s) provided public comment:

- Bruce Brown (Ruth Road): Verbalized concerns about the recycling trailer being full, and questioned whether a spare trailer can be parked on site.

The County Administrator noted that Waste Management, Inc., will be asked about this suggestion; a second trailer is usually on site for the collection of refuse, but not for recycling.

Supervisor Weakley questioned if recycling debris is compacted.

The County Administrator noted that he was unsure if recycling debris was compacted, but will inquire. It was also noted that new recycling signage will be put into place to advise of acceptable and non-acceptable items.

#### **13. Information/Correspondence**

##### **Madison County School System:**

Chairman Jackson advised that the school board will be meeting representatives from Germanna Community College tomorrow at 9:15 a.m. in the high school library to sign a joint partnership; Board members are invited to attend.

**Finalization of CIP Project:**

Supervisor Campbell questioned if the school system had established a meeting to provide finalization of the CIP project; also noted that discussions focused on establishing another CIP Committee, which the school board has already done. In closing, he offered to continue serving as one of the Board's liaisons.

After discussion, it was the consensus of the Board to retain Supervisor Campbell and Supervisor McGhee as the County's liaisons.

The County Administrator noted that it was advised that the school system would follow up on a proposed date once they were able to meet with Jim Nelson.

**Joint Town Hall Session:**

Chairman Jackson noted that based on a discussion with Barry Penn Holler, School Board Chair, about scheduling a joint town hall meeting to include the Board of Supervisors and the Madison County School Board.

After discussion, it was the consensus of the Board to advise the Superintendent of the possibility of holding a joint town hall meeting at the high school sometime in June 2016.

**Dominion Power:**

The County Attorney noted that the SCC filed a motion for a summary ruling to eliminate the proposed Remington/Pratts alternative route from the proceedings; the hearing examiner allowed respondents additional time to make a response, which most did (by email); a ruling was provided by the chief ruling examiner this afternoon that granted the staff's motion for the expedited summary ruling that states as follows:

"The Remington/Pratts alternatives will not be considered further in this proceeding....."

He noted the aforementioned ruling means that the project will continue with the Remington/Gordonsville route, but the Remington/Pratts alternative has now officially been eliminated from the proceedings.

The Board thanked Mr. Jim Alexander and all parties that provided assistance on this matter, and also expressed pride of the County's efforts.

Mr. Alexander was present and also noted that based on today's information, he doesn't see any chance of there being any change on the ruling.

After discussion, it was the consensus of the Board to request the County Administrator to draft a generic resolution of thanks to all parties that provided assistance in moving this endeavor forward.

Chairman Jackson recessed the meeting until 7:00 p.m.

**7:00 p.m.**

***\*Public Hearing [Ordinance #2016-1 (To Fix Tax Rates in Madison County for Tax Year Beginning 1'1'16)]***

**14. Consideration of Tax Rate Ordinance [ID#2016-1]**

Chairman Jackson noted that the purpose of this evening's session is to consider the tax rate noted in Ordinance #2016-1 for the tax year beginning January 1, 2016.

Chairman Jackson opened the floor for of the public hearing to the public. With no public comment being brought forth, the floor was closed to the public.

The County Attorney noted there is no change being proposed to the existing tax rates; a bit of the language was cleaned up regarding coordination of the State Code.

Supervisor Campbell moved the Board adopt Ordinance ID#2016-1 [To Fix Tax Rates in Madison County for the Tax Year Beginning January 1'2016] as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**15. Adoption of FY2017 County Budget [Resolution #2016-4]**

Chairman Jackson advised that the Board has initiated some minor changes to the proposed FY2017 Budget (i.e. Commonwealth Attorney).

The County Administrator noted that there were a few tweaks to the revenue, but nothing in excess of \$1,000,000.00; members were encouraged to review the hard copies and/or the flash drives provided, and advise of any noted discrepancies. In closing, he noted that

the FY2016 budget was addressed during the budget work sessions; a summary has been included to denote the items discussed and agreed upon by the Board.

**Concerns:**

Page 2 - \$17,000.00 (costs for website/technology)

The County Administrator advised that the \$17,000.00 is for website development for the first year, based on the proposal provided.

Supervisor Campbell moved the Board adopt Resolution #2016-4 [Adopt the FY2017 Budget for Madison County] as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**Discussion:**

- Supervisor Campbell: Suggested that the Board invite the Commissioner of Revenue to be included in next year's budget sessions to provide input on financial planning.

The Board thanked the County Administrator and Interim Finance Director for their assistance with the budgetary process.

**16. Public Comment:**

Chairman Jackson opened the floor for public comment. With no public comment being brought forth, Chairman Jackson closed the public comment opportunity.

**17. Adjournment:**

With no further action being required, on motion of Supervisor McGhee, seconded by Supervisor Weakley, Chairman Jackson adjourned tonight's meeting.

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R. Clay Jackson, Chairman  
Madison County Board of Supervisors

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Clerk of the Board of the Madison County Board of Supervisors

Adopted on: April 26, 2016

Copies: R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee, Charlotte Hoffman, V. R. Shackelford, III,  
Constitutional Officers

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**Agenda**  
**Regular Meeting**  
**Madison County Board of Supervisors**  
**Tuesday, April 12, 2016**  
**County Administration Building, Auditorium**  
**414 N. Main Street, Madison, Virginia 22727**



**Call to Order**

**Pledge of Allegiance & Moment of Silence**

1. Determine Presence of a Quorum / Adopt agenda
2. Public Comment
3. Constitutional Officers
  - a. **Commissioner of the Revenue (Brian Daniel): Airbnb**
  - b. **Commonwealth Attorney (Clarissa Berry): Victim-Witness**
4. County Departments
  - a. Social Services – Valerie Ward: Local Supplemental Funding Request of \$30,000
5. Independent Committee/Organizations
  - a. VDOT – Mark Nesbit & Greg Banks: Six Year Road Improvement Plan (for Madison County)

- b. *MESA – Jennifer McLeod, Executive Director*

## 6. Committee Reports

## 7. Finance

- a. *Claims for April 2016/FY2016*
- b. *Supplemental Appropriation: Commonwealth Attorney/Victim Witness*

## 8. Minutes:

- a. #10 through #13

## 9. Old Business:

- a. *Skyline CAP Vacancy (Update)*
- b. *Interview Session for GCC Board Applicants (April 26<sup>th</sup> @ 5:30 p.m.)*
- c. *Amendment to County Administrator's Contract*

## 10. New Business:

- a. *Discussion of Server Upgrade & Related Equipment – Robert Finks*
- b. *DEQ Inspection Reports*
- c. *All Hazard Mitigation Plan*
- d. *Consideration of Proclamation – National Day of Giving 2016*

## 11. Closed Session (if necessary)

## 12. Information/Correspondence

**7:00 p.m.**

*\*Public Hearing [Ordinance #2016-7 (To Fix Tax Rates in Madison County for Tax Year Beginning 1/1/16)]\**

- 13. *Consideration of Tax Rate Ordinance [ID #2016-1]*
- 14. *Adoption of FY2017 County Budget [Resolution #2016-4]*
- 15. *Public Comment*
- 16. *Adjournment*

**\*AMENDMENT(S) DENOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT\***